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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID SNAUER,

Plaintiff,

vs.

CITY OF SPRINGFIELD, a municipality;
and OFFICER E. SETHER (No. 337), in
his individual capacity, and as a
police official for the City of
Springfield,

Defendants.

O R D E R
Civ. No. 09-6277-TC

AIKEN, Chief Judge:

Magistrate Judge Coffin filed his Findings and Recommendation on October 1, 2010. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo

1 determination of that portion of the Magistrate's report. 28
2 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore
3 Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert.
4 denied, 455 U.S. 920 (1982).

5 Defendants have timely filed objections. Defendants object
6 only to Judge Coffin's conclusion that defendant Sether was not
7 entitled to qualified immunity. Defendants do not otherwise
8 object to the Findings and Recommendation. I have given the file
9 of this case a de novo review. I agree with Judge Coffin's
10 analysis including his conclusion that defendant Sether is not
11 entitled to qualified immunity. Therefore, I ADOPT Magistrate
12 Coffin's Findings and Recommendation (doc. 33) that defendants'
13 motion for summary judgment (doc. 11) is granted in part and
14 denied in part. Defendant City of Springfield's motion for
15 summary judgment on Counts Two and Three of plaintiff's complaint
16 (the municipal liability claims) are granted. Finally, defendant
17 Sether's motion for summary judgment on Counts One and Four of
18 plaintiff's complaint (excessive force and punitive damages) are
19 denied. Plaintiff's request for oral argument is denied as
20 unnecessary.

21 IT IS SO ORDERED.

22 Dated this 22 day of November 2010.

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26 Ann Aiken
27 United States District Judge
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